REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1, 3-8, 25, 26, 31 and 32-37 are pending in the present application. No claims are amended by the present amendment, thus, no new matter is added.

In the outstanding Office Action, Claims 1, 5, 6, 7, 8, 25, 26, 31 and 32 were rejected under 35 U.S.C. §103(a) as unpatentable over de Groot (U.S. Patent No. 6,421,047) in view of Lombardi (U.S. Pat. No. 5,889,951) in further view of Ball et al. (U.S. Pat. No. 6,446,200, herein "Ball") and Kusmaul (WO 96/07151); Claims 3, 4, 35 and 37 were rejected under 35 U.S.C. §103(a) as unpatentable over de Groot, Lombardi, Ball and Kusmaul in view of Leahy et al. (U.S. Patent No. 6,219,045, herein Leahy); Claims 33 and 36 were rejected under 35 U.S.C. §103(a) as unpatentable over de Groot, Lombardi, Ball and Kusmaul in further view of Boyd (U.S. Provisional App. 60/185,902); and Claim 34 was rejected under 35 U.S.C. §103(a) as unpatentable over de Groot, Lombardi, Ball, Kusmaul and Boyd in view of Leahy.

In response to the rejection of Claims 11, 5, 6, 7, 8, 25, 26, 31 and 32 under 35 U.S.C. §103(a), Applicant respectfully requests reconsideration of this rejection and traverses the rejection as discussed next.

Claim 1 recites, in part,

> virtual space information storing means for storing, in advance, virtual space information specifying a plurality of types of virtual spaces to be offered for purchase, the virtual spaces configured to enable interaction between avatars, the types of virtual spaces being determined based on respective characteristics of the virtual spaces different from an amount of resources of the community service offering apparatus that is utilized by each respective virtual

> space, the respective characteristics including functionally of the virtual space;
>
> virtual space offering means for allowing a first user of a plurality of users to select one of said virtual spaces as a user-specific virtual space leased or owned by said first user of the plurality of users, each user corresponding to at least one avatar; and
>
> charge controlling means for charging said first user of the plurality of users a fee to own or lease said user-specific virtual space, wherein said fee is based on the specified type of said user-specific virtual space which is determined based on respective characteristics of the virtual space which includes the functionally of the virtual space and only said first user of the plurality of users is charged to own or lease said user-specific virtual space and the remaining plurality of users may access the virtual space without charge.

Claims 25, 31 and 32 recite similar features with regard to the respective characteristics.

In the outstanding Office Action, Claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over de Groot, Lombardi, Ball and Kusmaul. Specifically, the outstanding Office Action acknowledges on page 4 that the combination of de Groot and Lombardi does not describe or suggest types of virtual spaces that are determined based on respective characteristics of the virtual spaces different from an amount of resources of the community service offering apparatus that is utilized by each respective virtual space, the respective characteristics including functionally of the virtual space as is recited in Claim 1. Nevertheless the outstanding Action relies on Ball as curing these deficiencies of de Groot and Lombardi.

Ball describes a system for collecting and aggregating data from network entities. Further, Ball describes that data is made available to an ISP so that the ISP can analyze the data in order to differentiate service offerings to different users. For

example, the ISP can provide free E-mail usage while charging for other types of protocols such as file transfer protocol and web traffic.

However, Ball never describes or suggests that the types of virtual spaces are determined based on respective characteristics of the virtual spaces, the respective characteristics including functionally of the virtual space.

The outstanding Action tacitly acknowledges on page 9 that Ball does not describe this feature. Nevertheless, the outstanding Action asserts that because Ball describes that users are charged differently for different "applications" it would be obvious to one of ordinary skill in the art to establish different types of virtual spaces based on respective characteristics of the virtual spaces such as the functionally of the virtual space and charge a fee based on the specified type of said user-specific virtual space based on the combination of de Groot, Lombardi and Ball. Applicants respectfully traverse this assertion.

Specifically, Applicants note that charging users differently based on the type of protocol which the data uses is **not equivalent** to types of virtual spaces being determined based on respective characteristics of the virtual spaces, the respective characteristics including functionally of the virtual space.

The combination of de Groot, Lombardi, Ball and Kusmaul simply ***fails to describe a plurality of types of virtual spaces to be offered for purchase.***

For example, Applicants note that Lombardi does not describe or suggest "virtual space information specifying a plurality of types of virtual spaces to be offered for purchase" as is asserted on page 3, lines 7-8 of the outstanding Action. Specifically, col. 26, lines 46-50 describes that a virtual site can be pre-loaded in a database at the client for faster response time and to reduce "lag-time" but Lombardi

never describes virtual space information specifying ***a plurality of types of virtual spaces*** to be offered for purchase.

The outstanding Action asserts on page 9 that "De Groot, in view of Lombardi, teaches the leasing of a virtual space environment." In response Applicants note that this is not equivalent to determining ***types of virtual spaces*** based on respective characteristics of the virtual spaces.

Furthermore, Ball never describes a type of user-specific ***virtual space*** which is determined based on respective characteristics of the virtual space which includes ***the functionality of the virtual space*** and, as a result, Ball cannot be asserted as curing the deficiencies of de Groot and Lombardi.

Specifically, one skilled in the art would not reasonably interpret "email" as being equivalent to the virtual space recited in Claim 1. For instance, Claim 1 recites that the virtual spaces are configured to enable interaction between avatars. Applicants note that "email" and "File Transfer Protocol" are not platforms for enabling interaction between avatars.

The outstanding Action states on page 4 that

> ...it would have been obvious, at the time of the invention to a person of ordinary skill in the art to modify De Groot, in view of Lombardi, and include a charge controlling means for charging said first user of the plurality of users a fee to own or lease said user-specific virtual space wherein said fee is based on the specified type of said user-specific virtual space which is determined based on respective characteristics of the virtual space which includes the functionality of the virtual space, as taught in Ball et al., in order to provide more flexible options to the users and therefore attract more users.

However, as Applicants noted above, Ball never describes a type of user-specific ***virtual space*** which is determined based on respective characteristics of the virtual space which includes ***the functionality of the virtual space*** and, as a result,

Ball cannot be asserted as teaching that the fee is based on the ***specified type*** of user-specific virtual space.

Thus, Ball cannot be asserted as curing the deficiencies of de Groot and Lombardi with regard to the claimed invention.

Moreover, Kusmaul does not cure the deficiencies of de Groot, Lombardi and Ball with regard to the above noted feature of the claimed invention.

Thus, as the combination of de Groot, Lombardi, Ball and Kusmaul simply fails to describe a plurality of types of virtual spaces to be offered for purchase, the types of user-specific virtual spaces determined based on respective characteristics of the virtual space which include the functionality of the virtual spaces, the features of the claimed invention cannot be asserted as being rendered obvious.

The Supreme Court established in *KSR* that a supported rational reason must be provided as a basis for a conclusion or a determination of obviousness. However, the outstanding Action fails to establish a *prima facie* allegation of obviousness in that the outstanding Action fails to indicate how all the features of the claimed invention have corresponding teachings in the prior art or to provide any factual support for the allegations of obviousness relating to alterations or modifications of the cited references.

In addition, none of the further cited Leahy or Boyd references cures the above noted deficiencies of de Groot, Lombardi, Ball and Kusmaul with regard to the claimed invention.

Accordingly, for the above reasons, Applicants respectfully submit that Claims 1, 25, 31 and 32, and claim depending therefrom, patentably distinguish over de Groot, Kusmaul, Ball, Lombardi, Boyd and Leahy considered individually or in any proper combination.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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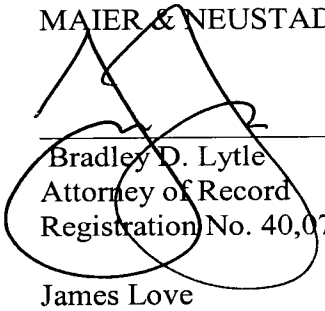

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